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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
DAILEY, THOMAS J

ART UNIT	PAPER NUMBER
2452	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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	Application No.	Applicant(s)
Office Action Summary	10/627,409	RICHARD ET AL.
	Examiner	Art Unit	
	Thomas J. Dailey	2452	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

> A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
> WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
>   after SIX (6) MONTHS from the mailing date of this communication.
> - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
> - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
>   Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
>   earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *12 January 2009*.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-14 and 17-19* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-14 and 17-19* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a) ☐ All b) ☐ Some * c) ☐ None of:

         1. ☐ Certified copies of the priority documents have been received.

         2. ☐ Certified copies of the priority documents have been received in Application No. _____.

         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1. Claims 15 and 16 were cancelled by the amendment filed on January 12, 2009.

2. Claims 1-14 and 17-19 are pending.

Response to Arguments

3. The claim and specification objections have been withdrawn in light of the
entered amendments.

4. The 35 U.S.C. 112 second paragraph rejections directed at claims 1 and 14-17
have been withdrawn in light of the applicant's entered amendments and
arguments. The 35 U.S.C. 112 second paragraph rejections directed at claims 2-
5, 6-13, and 18-19 have been maintained and are elaborated on below.

5. Specifically in regards to the 35 U.S.C. 112 second paragraph rejection of claim
6, the applicant has stated that the language used is not indefinite and that "that
this claim does not need to spell out how a process can be completed [and] [t]he
specification already deals with this issue."

6. The examiner disagrees and maintains that the language used is indefinite. The
claim does need to spell out how the process of is completed due to the fact that
possible interpretations of the claim language (i.e. the interpretation of
"completing said process" could be either carrying out remaining steps or ending

the process abruptly) leads to an ambiguous claim and therefore fails to

particularly point out and distinctly claim the subject matter.

Furthermore, the examiner notes the applicant has failed to state where in the

specification this issue is addressed and although the claims are interpreted in

light of the specification, limitations from the specification are not read into the

claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

7. Applicant's arguments filed March 26, 2008 with respect to the prior art rejections

   have been fully considered but they are not persuasive.

8. The applicant argues, with respect to the rejections the independent claims in

   view of Buse (UK Pat. Pub. GB 2 356 111 A), that Buse fails to disclose

   "detecting in said at least one device a request for network parameters issued

   from a newly connected requesting device." Specifically, the applicant asserts

   the transmission from a newly connected network device to the proxy in Buse is

   merely a reply to an earlier transmission from the proxy and is not a request for

   network parameters.

9. The examiner disagrees. Even though Buse's newly connected devices

   "I_AM_HERE" message with a dummy IP address (Buse, page 5, lines 5-8) may

   be in response to the proxy's inquiry does not preclude the message from being

   a request for network parameters. Further, the "I_AM_HERE" message with the

dummy IP address is a request for network parameters from the newly

connected device, as the device has included the dummy IP address in the

message to indicate it needs an IP address and receives one in response to the

message (Buse, page 5, lines 5-12). Buse may not refer to "I_AM_HERE"

message as a request, but it is functionally equivalent to the claim, and one of

ordinary skill in the art would recognize the message as a request due to the

response that it generates.

Claim Rejections - 35 USC § 112

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly
claiming the subject matter which the applicant regards as his invention.

11. Claims 2-5, 6-13, and 18-19 are rejected under 35 U.S.C. 112, second

paragraph, as being indefinite for failing to particularly point out and distinctly

claim the subject matter which applicant regards as the invention.

12. Claims 2-5, 7-13, and 18-19, recite "Process according to claim..." or "Process

for distributing an IP address in accordance with claim..." The phrasing of the

claim fails to establish clear antecedent basis for "Process," i.e. it is unclear if the

applicant is referring to "A process..." or "The process…"

13. Claim 6 recites, "completing said process if an answer to said DHCP request is

detected during said second duration T2." (lines 18-20) It is unclear what the

applicant intends by the phrase "completing said process." Completing in what

way? Carrying out the remaining steps? Ending the process?

Claim Rejections - 35 USC § 102

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

15. Claims 1-2, 5, 12, 14, and 17-18 are rejected under 35 U.S.C. 102(b) as being

anticipated by Buse et al (UK Patent Published Patent Application, GB 2 356 111

A, submitted in IDS dated March 22, 2007), hereafter "Buse."

16. As to claim 1, Buse discloses process for distributing network configuration

settings throughout a network comprising a set of devices, including the steps of:

establishing in at least one device a description of the network environment

(page 5, lines 1-3, proxy device stores IP address information for a network);

detecting in said at least one device a request for network parameters issued

from a newly connected requesting device (page 5, lines 5-8);

in response to said detecting starting a first timer with a first period dependent

on a predetermined criterion (page 5, lines 8-12, proxy device starts a timer when

sending out DHCP request);

transmitting to said requesting device network settings in response to the

expiration of said first period unless another one of said set of devices supplies

network settings to said requesting device before the expiration of said first

period (Fig. 3, label 36, and page 5, lines 11-18, IP address is transmitted from

proxy device to new device after time-out).

17. Claim 14 is rejected by the same rationale set forth in claim 1's rejection.

18. As to claim 2, Buse discloses the network configuration settings include an

Internet Protocol address and further including a step of testing the availability of

said Internet Protocol address on said network prior to transmitting the network

settings to said requesting device (page 5, lines 16-18).

19. As to claim 5, Buse discloses wherein said predetermined criterion is dependent

on the nature of a particular device where the process is running (page 5, lines

10-13).

20. As to claim 12, Buse discloses distributing a reference of a network gateway

(page 5, lines 27-32).

Claim Rejections - 35 USC § 103

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set
forth in section 102 of this title, if the differences between the subject matter sought to be patented and
the prior art are such that the subject matter as a whole would have been obvious at the time the
invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

22. Claims 4, 6, 9, 13, and 17-18 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Buse.

23. As to claim 6, Buse discloses a process for distributing an Internet Protocol (IP)

throughout a network including at least one device comprising a network

parameter allocation (NPAA) agent performing the steps of:

detecting an address request issued by a newly connected requesting device

(page 5, lines 5-8);

in response to detecting said request starting a first timer, with a first duration

T1, in response to the detection of said address request issued by said newly

connected requesting device (page 5, lines 8-12, proxy device starts a timer

when sending out DHCP request, which is sent out on behalf of the newly

connected device);

testing whether a DHCP request received a response from a DHCP server

(page 5, lines 8-12, proxy device waits for a response);

terminating the process in response to the detection of said response within said first duration (page 5, lines 7-9, proxy device sends DHCP reply to device and ends process);

computing an IP address (page 5, lines 14-18);

forwarding a DHCP reply containing said computed IP address to said newly connected requesting device (page 5, lines 7-9, proxy device sends DHCP reply to device and ends process);.

Buse does not disclose the address request issued by a newly requesting device is a DHCP request. Rather, Buse disclose the proxy device issues a DHCP request on behalf of the device after receiving an address request (page 5, lines 5-8). One of ordinary skill in the art would view it as obvious that the 'I _AM_HERE' address request issued by the newly connected device is the functional equivalent of a DHCP request, do to the fact it triggers a DHCP request from the proxy device, and making it so would be a simple substitution.

Further, Bose does not disclose starting a second timer after the expiration of the first timer that is computed from a set of predetermined criteria. Rather, Buse discloses one timeout function that accomplishes both of the claimed functionality of claim 6's two timers (page 5, lines 5-18, i.e. after the time-out and no DHCP reply being received, the proxy device calculates and assigns an IP address).

Therefore, one of ordinary skill in the art would view a second timer as
extraneous.

24. As to claim 17, Buse discloses a process for assigning a IP address in a client
device having at least one configuration file comprising at least one set of
configuration parameters, said process comprising the steps of:

generating and transmitting a Dynamic Host Control Protocol (DHCP) request
to said network (page 5, lines 7-9);

if no answer is received, testing the existence of one gateway corresponding
to one particular set of parameters among said at least one set of configuration
parameters and, if said testing indicates the existence of said gateway, loading
and applying said particular set of parameters (page 5, lines 10-27, when no
answer is received, proxy device tests for the existences of IP address that it
may give to a newly connected device).

But, Buse does not explicitly disclose the DHCP request is sent by the newly
connected device. Rather, Buse discloses the proxy device issues a DHCP
request on behalf of the device after receiving an address request from the newly
connected device (page 5, lines 5-8). One of ordinary skill in the art would view it
as obvious that the 'I _AM_HERE' address request issued by the newly
connected device is the functional equivalent of a DHCP request, do to the fact it

triggers a DHCP request from the proxy device, and having the device make
such a request would be a simple substitution.

25. As to claim 4, Buse discloses wherein said predetermined criterion is related to
experience gathered by said at least one device (page 5, lines 10-13).

26. As to claim 9, Buse does not explicitly disclose wherein said second duration T2
is computed from a time of operation of said device so that a particular device
having a longer experience of the network has a lower time of response
compared to another device having a relatively shorter experience of the
network.

   However, Buse discloses allowing a DHCP server a period of time to reply to
a request. Therefore, Official Notice (see MPEP ' 2144.03 Reliance on "Well
Known" Prior Art) is taken that adjusting this period of time would have been
obvious modification to one of ordinary skill in the art at the time of the invention,
as having a flexible timer for differing devices is a common practice in the art and
is done in order to increase efficiency and decrease errors.

27. As to claim 13, Buse does not explicitly disclose distributing a booting image to
said newly connected requesting device.

However, Official Notice (see MPEP ' 2144.03 Reliance on "Well Known"

Prior Art) is taken that distributing a booting image to a newly connected device is

a common and well-known practice in the art to one of ordinary skill in the art at

the time of the invention, as in any managed network the administrator would like

to have direct control of the managed devices, including their booting procedure.

28. As to claim 18, Buse discloses determining a particular context corresponding to

the booting of said device and loading the network configuration settings

corresponding to said context (page 5, lines 5-11).

29. Claims 3, 7, and 10-11 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Buse as applied to claims 1 and 6 above, and further in view

of Cole et al. (US Pat. 5,854,901), hereafter "Cole."

30. As to claims 3 and 10, Buse discloses an elaboration of said network

environment is performed via access to Address Resolution Protocol tables in the

network (page 5, lines 17-20).

But, Buse does not disclose an elaboration of said network environment is

performed via access NSLOOKUP tables available in the network as well.

However, Cole discloses an elaboration of said network environment is performed via access to Address Resolution Protocol tables and NSLOOKUP tables available in the network (Abstract, lines 10-18 and column 3, lines 44-64).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Buse and Cole in order to utilize DNS to ensure IP address availability, thus making Buse a more effective system than just using ARP alone.

31. As to claim 7, Buse discloses the invention substantially with regard to the parent claim 6, but does not explicitly disclose the second timer is disregarded when said device is a router.

However Cole discloses handling address assignment for routers differently, specifically by not utilizing timers (column 3, lines 55-64).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Bose and Cole in order more easily assign IP addresses to routers which make up the back bone of any IP network.

32. As to claim 11, Buse discloses the invention substantially with regard to the parent 6, but does distributing the reference to an existing Hyper Text Transfer Protocol (HTTP) proxy.

However Cole discloses distributing the reference to an existing Hyper Text Transfer Protocol (HTTP) proxy (column 2, lines 28-35).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Buse and Cole in order utilize a widely used protocol to carry out Buse's system.

33. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Buse as applied to claim 6 above, and further in view of Taniguchi (US Pat. 6,928,282).

34. As to claim 8, Buse discloses the invention substantially with regard to the parent claim 6, but does not disclose said second duration T.sub.2 is derived from a computation of both the Media Access Control (MAC) parameter of said device and said newly connected requesting device. Rather, all devices are treated the same and no priority is given to any device when calculating the times.

However, Taniguchi discloses assigning addresses based upon priority values and this will inherently include time values that are associated with parameters of the prioritized device (column 8, lines 32-39).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Buse and Cole in order to have devices that have higher priority (Taniguchi's system) have different time periods in DHCP server interactions than lower priority devices.

35. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Buse as applied to claim 17 above, and further in view of Liming (US Pub. No. 2002/0055924).

36. As to claim 19, Buse discloses the invention substantially with regard to the parent claim 17, but does not disclose said context is determined from the location of the device, as returned by a GPS receiver.

However, Liming discloses said context is determined from the location of the device, as returned by a GPS receiver [0014].

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Liming and Bose in order more

easy manage IP addresses by utilizes the geographic information of the devices requesting addresses.

Conclusion

37. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

38. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

39. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory

action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be
calculated from the mailing date of the advisory action. In no event, however, will
the statutory period for reply expire later than SIX MONTHS from the mailing
date of this final action.

40. Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Thomas J. Dailey whose telephone number is
571-270-1246. The examiner can normally be reached on Monday thru Friday;
9:00am - 5:00pm.

41. If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, John Follansbee can be reached on 571-272-3964. The fax phone
number for the organization where this application or proceeding is assigned is
571-273-8300.

42. Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for
published applications may be obtained from either Private PAIR or Public PAIR.
Status information for unpublished applications is available through Private PAIR
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free). If you would like assistance from a USPTO Customer Service
Representative or access to the automated information system, call 800-786-
9199 (IN USA OR CANADA) or 571-272-1000.

/T. J. D./
Examiner, Art Unit 2452

/Kenny S Lin/

Primary Examiner, Art Unit 2452